

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/15/2020
--

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
UNITED STATES OF AMERICA	:	
	:	18-CR-187 (VEC)
-against-	:	
	:	<u>ORDER</u>
MARILYN VARGAS,	:	
	:	
Defendant.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 11, 2019, the Court sentenced Ms. Vargas to 90 months' imprisonment (Dkt. 59);

WHEREAS on February 22, 2019, Ms. Vargas appealed her sentence to the Court of Appeals for the Second Circuit (Dkt. 58);

WHEREAS on June 4, 2020, due to the COVID-19 pandemic, the Bureau of Prisons ordered Ms. Vargas to be released to home confinement (*see* Dkt. 66);

WHEREAS, according to the Bureau of Prison's locator, Ms. Vargas is currently designated to New York Residential Reentry Management;

WHEREAS on July 24, 2020, the Court of Appeals for the Second Circuit issued a mandate remanding the case to this Court for vacatur and resentencing (Dkt. 62);


WHEREAS Defendant's resentencing is scheduled for September 24, 2020 at 3:30 p.m.;

IT IS HEREBY ORDERED THAT: No later than **September 21, 2020**, each party is directed to submit a letter: (i) explaining the terms of Ms. Vargas' release to home confinement, and specifically whether she was released by the BOP on a temporary furlough pursuant to 18 U.S.C. § 3622; and (ii) detailing their respective positions on the Court's authority to sentence

Ms. Vargas to a period of incarceration despite the BOP's order releasing her to home confinement.

**SO ORDERED.**

**Date: September 15, 2020**  
**New York, NY**

  
\_\_\_\_\_  
**VALERIE CAPRONI**  
**United States District Judge**